IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8341 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

THAKKAR NAVINCHANDRA BHAVANJI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8341 of 2003

MR RM CHHAYA for Petitioner No. 1-14

MR SN SHELAT, ADVOCATE GENERAL, with Ms MD MEHTA, AGP, for Respondents Nos. 1-4

MR JASWANT K SHAH for Respondent No. 2

MR AMAR D MITHANI for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 14/10/2004

ORAL JUDGEMENT

RULE. Service of rule is waived by learned AGP Ms. Maithili Mehta for respondents Nos. 1 and 4, by learned advocate Shri Jaswant Shah for respondent No. 2 and by learned by advocate Shri Amar Mithani for respondent No. 3. At the request of the learned advocates, the petition is finally heard today.

2. Looking to the development, which has taken place during the pendency of the petition, I do not think it necessary to go into the facts of the case. Suffice it to state that the petitioners were doing business on the land, which is required by respondent No. 2 for the purpose of laying down a road. As the petitioners are to be displaced, respondents Nos. 2 and 3 are prepared to help the petitioners so that they can continue to do their business at some other place.

3. It has been submitted by learned advocate Shri Mithani appearing for respondent No. 3, in pursuance of instructions received by him from the president of respondent No. 3, that respondent No. 3 is constructing certain shopping centres, and if the petitioners apply to have shops on lease, their applications shall be duly considered. A letter giving such instructions, dated 12.7.2004, is taken on record. Similarly, learned advocate Shri Jaswant Shah has also submitted that respondent No. 2 has relocation sites and some other plots, where the petitioners can be given some place for doing their business, if the petitioners submit their applications for grant of the same.

4. It has been submitted that petitioner No. 1 is an advocate, who is desirous of having bigger area than the area, which can be normally granted to him and, therefore, he would prefer to have a plot of land on permanent basis from respondent No. 2 rather than a shop on lease from respondent No. 1 and he is willing to pay even additional amount for the same. Looking to the said fact, petitioner No. 1 shall first approach respondent No. 2 for grant of a suitable plot so that respondent No. 2 can consider the said request in accordance with its land disposal policy.

5. It has been submitted by learned advocate Shri Mithani appearing for respondent No. 3 that the plot, which has been occupied by the present petitioners, is required for the purpose of constructing a shopping centre and, therefore, it would be necessary to shift the petitioners to a different place so that the shopping centre can be constructed at the place. He has further

submitted that respondent No. 3 has made arrangements for shifting the petitioners temporarily to another place so that upon completion of the construction of the shopping centre, the petitioners can be given the shops on lease, either at the shopping centre to be constructed where the petitioners were doing their business or at Vathan. It has been assured by learned advocate Shri Chhaya appearing for the petitioners that the petitioners shall extend their cooperation to respondent no. 3 by shifting their places of business temporarily to a place, which might be given to them by way of interim arrangement.

6. In the aforestated circumstances, the petitioners, except petitioner no. 1 shall submit their applications to respondents Nos. 2 and 3. If no shops are leased to the petitioners by respondent No. 3, learned advocate Shri Shah has assured this court, in pursuance of instructions received from Shri Sharma, Town Planner, Bhachau, that respondent No. 2 shall allot plots at relocation sites in accordance with its land disposal policy. Moreover, respondent no. 2 shall also try to help petitioner no.1 by allotting him a bigger plot, if possible, as per its policy.

7. In view of the aforesaid assurances given to the petitioners, learned advocate Shri Chhaya seeks permission to withdraw the petition. Permission for withdrawal of the petition is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs. Ad-interim relief stands granted earlier stands vacated.

(A.R. Dave, J.)

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